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RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 2676
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2056
RUEHNO/USMISSION USNATO BRUSSELS BE PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 001158

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SUBJECT: KYRGYZ MP BAIBOLOV DETAILS CONFUSION, ANXIETY
FOLLOWING INVALIDATION OF 2006 CONSTITUTIONS

REF: BISHKEK 1137

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Classified By: Ambassador Marie L. Yovanovitch, Reason 1.4 (b) and (d)

¶1. (C) Summary: In a meeting with the Ambassador September 18, opposition MP Kubatbek Baibolov detailed the confusion and anxiety in parliament following the Constitutional Court's September 14 decision to invalidate the November and December 2006 constitutions (reftel). Baibolov predicted further political turmoil, an end to democratic constitutional reform, and even a rise in "totalitarianism" in Kyrgyzstan, as President Bakiyev regains the strong powers afforded under the 2003 constitution. Baibolov did not think there would be public demonstrations, but did caution that rising food prices could add to the public's fears of Kyrgyzstan's instability. He thought that the decision had effectively united the parliament, pitting it against the Kyrgyz White House. President Bakiyev is slated to address parliament and the nation September 19, and many expect that he will propose his own version of the constitution to be adopted by referendum. End Summary.

A PRESIDENT EMPOWERED

¶2. (C) In a meeting with the Ambassador September 18, MP Baibolov said that Kyrgyzstan is facing political turmoil as a result of the Constitutional Court's ruling September 14 to invalidate on procedural grounds the November and December 2006 versions of the constitution. Baibolov criticized the court's decision as a "political show" staged by MPs Kabai Karabekov and Melis Eshimkanov (who filed the petitions challenging the November and December versions of the constitution), Bakiyev's lawyer Bektur Zulpiyev (who actually argued in favor of keeping the December constitution), Constitutional Court Chair Cholpon Bayekova (who made a political decision), and President Bakiyev (who gains from the result). Baibolov argued that reverting to the 2003 constitution, which provides greater powers to the president,

should not have been automatic, and was a step toward "totalitarianism." (Note: Under the 2003 constitution, the president has much broader authority to dissolve the parliament. End note.) Baibolov lamented Bakiyev for not having long-term vision, and criticized Chief of Staff Medet Sadyrkulov for being interested only in political intrigue. Noting that the president could not appear to be against constitutional reform, Baibolov predicted that Bakiyev would delay the process as much as possible while he enjoys his newly extended powers provided by the Akayev-era 2003 constitution.

13. (C) Baibolov did not think there would be public demonstrations over the issue, but did believe that the people would band together one way or another to move the country in the right direction. The potentially inflammatory issue of rising food prices could, however, incite public action.

A PARLIAMENT UNITED?

14. (C) Baibolov commented that the parliament, normally 75 members pursuing their individual interests, had effectively been united by the Court's decision. Anxiety over its future pitted the parliament against the Kyrgyz White House. He said that parliament had acted quickly to form a commission to review the Court's decision, hinting that parliament remains unsure as to what the next steps could be. In addition, parliament passed two resolutions calling into question actions taken under the now-revoked December constitution. One resolution called on the president to re-submit the members of the government for parliamentary approval, and the other deemed invalid the parliament's earlier approval of three Constitutional Court judges. The

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bottom line, said Baibolov, is that parliament, the government, and the entire country is trying to figure out what the Court's ruling means for Kyrgyzstan's future.

COMMENT: ANSWERS AWAITED

15. (C) The Constitutional Court's decision to invalidate the November and December 2006 constitutions has thrown Kyrgyz lawmakers, prosecutors, analysts, and opposition activists into turmoil and confusion larger than anyone could foresee. All will be focusing intensely on President Bakiyev's address to parliament and the nation September 19, with many predicting that Bakiyev will attempt to carry out constitutional reform by proposing a new text (that will likely preserve strong presidential powers) to be approved by referendum. End comment.
YOVANOVITCH